

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KEITH PRIEUR, et al.,

Plaintiffs,

v.

ORDER
04-CV-481A

HILTI, INC. et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott , pursuant to 28 U.S.C. § 636(b)(1)(B). On January 30, 2007, Magistrate Judge Scott filed a Report and Recommendation, recommending that the motion to dismiss the complaint as to defendant Jeffrey Cervoni, individually and as an agent of defendant Hilti, Inc. be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the motion to dismiss the complaint as to defendant Jeffrey Cervoni, individually and as an agent of defendant Hilti, Inc. is granted.

This case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: February 20, 2007